

REMARKS

A. Status of Claims

Claims 1 – 5 are pending in the application.

B. Summary Of Office Action

The Examiner has objected to the title as being not descriptive.

The Examiner has rejected claims 1-5 under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Examiner has rejected claims 1, 3-5 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. Publication 2003/008884296 to Kyojima in view of U.S. Pat. No. 5,649,099 to Theimer, U.S. Patent No. 5,299,263 to Beller, and U.S. Pat. Publication 2002/0016910 to Wright. Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Kyojima, Theimer, Beller and Wright as applied to claim 1, and further in view of the Microsoft Computer Dictionary.

C. Response

1. Information Disclosure Statements

The Applicant requests the Examiner's consideration and return of the initialed Form PTO-1449 for the Information Disclosure Statement mailed May 6, 2002 and the Supplemental Information Disclosure Statement mailed May 9, 2003.

Another Supplemental Information Disclosure Statement, submitted in accordance with 37 C.F.R. 1.97(c), is transmitted herewith and the Examiner's consideration of the same is respectfully requested.

2. Objection to the Title

Applicant has replaced the title with that suggested by the Examiner.

3. Claim Rejections

The Applicant respectfully traverses the Examiner's rejections and requests reconsideration of the claims in view of the following remarks.

a. 35 U.S.C. 101

The Examiner rejects claims 1-5 as being directed to non-statutory subject matter, asserting that the claimed method and system can be carried out in software, which is non-statutory subject matter as it has no tangible elements. Section 101 provides that “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor” Claim 1, and the claims that depend from claim 1, are directed to a process. Claim 5 is directed to a system. All of the claims have utility in that they provide methods and systems for allowing access to information and services maintained on web servers in a secure fashion (i.e., a concrete, tangible, and practical result). The claimed invention does not merely amount to a manipulation of an abstract idea. Furthermore, all of the claims require a web server and messaging system which include computer hardware, i.e., tangible elements. In any event, the law is clear that business processes, in and of themselves, constitute statutory subject matter under 35 U.S.C. 101. State St. Bank & Trust Co. v. Signature Fin. Group, Inc., 149 F.3d 1368 (Fed. Cir. 1998).

b. 35 U.S.C. 103(a)

None of the references cited by the Examiner, alone or in combination, disclose, teach or suggest the elements of claims 1 – 5. At a minimum, none of the references disclose step (d) of claim 1 (and its dependents) and the corresponding element of system claim 5; namely, “upon said first user transmitting the label to a second user via a messaging system, automatically

storing on the web server information based on a public key of the second user and the label” (hereinafter referred to as the “automatic storing element”). As acknowledged by the Examiner, Kyojima discloses authenticating access privileges of a client using a challenge response system, and does not disclose the automatic storing element.

Beller discloses a method for achieving mutual authentication and session key agreement between a pair of parties using public key cryptography, where one of the parties is computationally weak and the other is computationally strong, and does not disclose the automatic storing step.

Wright discloses methods for secure distribution of documents over electronic networks and, in particular, “novel clueing and encryption mechanisms.” Wright, page 1, paragraph 0011. Wright provides techniques for encryption and secure distribution of information to users who do not possess their own public key using semiprivate keys and clueing. Wright, page 2, paragraph 0017. Wright discloses a user selecting “to produce a semiprivate key for the encryption of a particular document. The user has entered a keyphrase and cluephrase for the semiprivate key. The public component of the semiprivate key is used to encrypt the document, and the encrypted document is then stored in the user’s private data area. The user has also entered the email addresses of all users who should be allowed to view the encrypted document. Once the process is complete, emails may be sent to all the receiving parties, informing them to go to a particular Web site to retrieve an encrypted document. Thus, in the simplest user implementation, the user simply selects a document to share, selects a key phrase and cluephrase, and enters the receiving parties’ email addresses to allow secure document exchange with those parties.” Wright, page 8, paragraph 0071. Wright does not disclose or suggest the automatic storing element.


Theimer discloses an approach to delegation that is similar to a capabilities-based approach. In particular, with reference to Figure 2C, steps 254 and 256, col. 11, lines 60 – 67, included in a request to a server is an access control program (i.e., a programmatic specification of access rights). Theimer does not involve (and, indeed, would have no use for) making any modification to a local ACL, as required by the claims of the present invention. Thus, the method of delegation disclosed in Theimer is substantially different from the claimed invention.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance. Applicant respectfully requests the withdrawal of the pending rejections and the timely allowance of the pending claims. If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. The Examiner is invited to contact the undersigned at 215-963-5091 to discuss any matter concerning this application.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Daniel H. Golub
Registration Number 33,701
Alison B. Weisberg
Registration Number 45,206

Dated: September 23 2003

MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
(215) 963-5091